

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, ex rel.)	
State Engineer,)	No. 69 CV 07941 MV/KK
)	
Plaintiff,)	Rio Chama Adjudication
)	
v.)	Pueblo Claims Subproceeding 1
)	
ROMAN ARAGON, et al.,)	
)	
Defendants.)	
)	

JOINT STATUS REPORT

Pursuant to this Court's Order of October 27, 2015 (Document 11105), the undersigned Parties submit this Joint Status Report. The parties are discussing possible resolution of all of Ohkay Owingeh's water rights claims to all sources of water. As a result, this Joint Status Report is being filed simultaneously in the companion case styled *State of New Mexico ex rel. State Engineer, et al. v. Abbott*, No. 68-cv-7488 (MV/WPL) (*Abbott*).

1. Settlement Negotiations

In the 120 days since the last status report, the Parties have continued to make progress in evaluating settlement proposals, narrowing issues and developing concepts for a negotiated resolution of Ohkay Owingeh's water rights claims. The Parties continue to follow the framework for discussion adopted when the negotiations began. In that regard, Ohkay Owingeh developed and presented to the Parties a comprehensive assessment of its need for water beyond its current circumstances. That analysis has been the focus of the discussions recently. In

addition, the Parties have further developed and refined concepts for enhancing water supplies. Ohkay Owingeh and the United States as its trustee continue to collaborate on developing technical data necessary to assess various water sources within the Pueblo's Grant lands for their feasibility and reliability as sources of water to satisfy the Pueblo's future needs. As previously reported, the Department of the Interior has appointed a Federal Assessment Team to evaluate the prospects for settlement of Ohkay Owingeh's claims, and certain members of the Team are participating in the settlement discussions.

Ohkay Owingeh had meetings with one or more of the negotiating Parties on the following dates:

October 22:	City of Española (telephonic meeting)
November 19:	State Engineer and counsel
December 15:	Certain Acéquia negotiating Parties in <i>Abbott and Aragon</i>
December 16:	State of New Mexico
January 12:	Federal Assessment Team (telephonic meeting)
January 14:	Certain Acéquia negotiating Parties in <i>Abbott and Aragon</i>
January 15:	Santa Cruz Irrigation District and Santa Cruz Stream Systems' Community Ditch Association
January 15:	City of Española

In addition, counsel and staff for Ohkay Owingeh, and counsel for various Parties have regularly discussed various issues by telephone and email as the need has arisen.

2. Scheduling Dispositive Motions

The resumption of litigation would hamper the negotiating Parties efforts to resolve Ohkay Owingeh's water rights claims through negotiations. The undersigned Parties are committed to continuing the negotiation process and have scheduled the next meeting for

February 25, 2016. They expect to schedule additional meetings thereafter. As a result, the undersigned Parties do not anticipate the need for the Court to schedule the filing and briefing of motions for summary judgment or other dispositive motions within the next four months.

3. Rescheduling the Trial

For the same reasons, the undersigned Parties do not believe that the trial should be scheduled at this time.

4. Other Matters

The undersigned Parties suggest that the Court require the filing of a joint status report four months from now, or June 8, 2016, at which time they will report to the Court on their progress and on the question of whether they believe the Court should schedule dispositive motions or otherwise resume litigation.

Respectfully submitted,

Dated: February 8, 2016

/s/ *Curtis G. Berkey*

Attorneys for Ohkay Owingeh

Curtis G. Berkey (CA State Bar No. 195485)

E-mail: cberkey@berkeywilliams.com

Scott W. Williams (CA State Bar No. 097966)

E-mail: sWilliams@berkeywilliams.com

Berkey Williams LLP

2030 Addison Street, Suite 410

Berkeley, California 94704

Lee Bergen

Bergen Law Offices, LLC

4110 Wolcott Avenue NE, Suite A

Albuquerque, New Mexico 87109

lbergen@nativeamericanlawyers.com

Attorney for the United States

/s/ Bradley Bridgewater

Bradley Bridgewater
U.S. Department of Justice
South Terrace, Suite 370
999 18th Street
Denver, CO 80202

Bradley.S.Bridgewater@usdoj.gov

Attorney for State of New Mexico

/s/ Arianne Singer

Arianne Singer
Special Assistant Attorney General
New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
arianne.singer@state.nm.us

Attorneys for City of Española

/s/ Seth R. Fullerton

Jay Stein
Seth R. Fullerton
Stein & Brockmann, PA
P.O. Box 2067
Santa Fe, NM 87504-2067
jfstein@newmexicowaterlaw.com
sfullerton@newmexicowaterlaw.com

Attorney for Rio Chama Acéquia Association

/s/ Peter Thomas White

Peter Thomas White
Sena Plaza, Suite 50
125 East Palace Avenue
Santa Fe, NM 87501
pwhite9098@aol.com

Attorneys for El Rito Ditch Association and its acéquia members; Gallina-Capulin Acéquia Association and its acequia members; La Asociacion de las Acéquias del Rio Tusas, Vallecitos y Ojo Caliente and its acéquia members

/s/ Mary E. Humphrey

Mary E. Humphrey
Connie Odé
Humphrey & Odé, PC
P.O. Box 1574
El Prado, NM 87529
humphrey@newmex.com
code@newmex.com

Attorneys for Asociacion de Acéquias Norteñas de Rio Arriba

/s/ John W. Utton

John W. Utton
Sheehan & Sheehan, PA
P. O. Box 271
Albuquerque, NM 83703-0271
jwu@sheehansheehan.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of February, 2016, I filed the foregoing electronically through the CM/ECF system, which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Curtis G. Berkey

Curtis G. Berkey